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EXAMINER

LEVITAN, DMITRY

ART UNIT PAPER NUMBER

2662

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,460

Applicant(s)

SMITH ET AL.

Examiner

Dmitry Levitan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

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Information Disclosure Statement

1. The volume of the information disclosure statement filed 5/20/03 will require unreasonable amount of examiner's time to consider it. It has been placed in the application file, but the information referred to therein has not been considered.

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

Provide a description of relevance of each of the references cited in the IDS and identify those references that are of particular relevance to the application. This will allow the examiner to consider the IDS in a meaningful manner.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: step 12 on pages 20 and 21. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

- ✓a. Missing application number on page 10.

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b. The disclosure is objected to, because abbreviations or acronyms ~~POST~~, ~~RMI~~ are cited throughout the specification without explanation. Applicant should provide a full explanation for the acronyms at least at their first occurrence in the specification.

✓ c. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

✓ 6. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide sufficient details to enable a skilled in the art to make and use the invention because it does not adequately describe the following:

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SMPP relay, message director to process messages from SMPP relay and a post collector to obtain at least one target poster. ?

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The specification does not provide enough details about the structure and operation of the elements associated with the above identified claimed features to enable one skilled in the art to make and use the invention without undue experimentation.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 20 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that the claim is directed to an apparatus, however the claim does not specify any structures that would clearly define the claimed apparatus.

Regarding claim 20, the recited "application program" is unclear in context of the claimed apparatus.

Regarding claim 29, the recited "a mobile to HTTP gateway application" is unclear what "gateway application" means in the context of the claimed apparatus.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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10. Claims 1-3, 5-7, 9, 10, 14-17, 20, 23-26 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox (US 6,654,786).

Regarding claim 1, Fox teaches a gateway (proxy gateway 114 on Fig. 1, 2 and 4 3:62-67, 4:1-3), comprising:

A first communication path (path between 114 and 204 on Fig. 4) to accept a short message (pull message 12:62-67 and 13:1-9) from a short message service center (SMSC 204 on Fig. 4 and 12:45-57);

A translation module (translation functions of gateway 114 3:62-67 and 4:1-3) to insert said short message into an HTTP protocol message (4:19-26); and

A second communication path (path between 114 and web server 202 on Fig.4) to transmit said HTTP message to at least one URL (10:3-28).

Regarding claim 2, Fox teaches said HTTP protocol message is a POST message (10:3-11).

Regarding claim 3, Fox teaches short messages originated from a wireless device (mobile phone 106 on Fig. 1 and 4, 1:31-43).

Regarding claim 5, Fox teaches second communication path is adapted to transmit said HTTP protocol message to a plurality of URLs (URL table 506 on Fig. 3 and 6:7-26).

Regarding claims 6, 16, 17, 25 and 26, Fox teaches said second communication path accepts return results from said URL (push notification on GSM systems 12:45-57);

Said translation module inserts the return results into a short message (12:57-61); and

Said first communication path transmits said short message to said short message center (12:57-61, using SMPP because SMPP is a protocol for delivering short messages 2:4-8).

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Regarding claim 7, Fox teaches said return results conform to HTTP protocols (4:19-26).

Regarding claims 9 and 20, Fox teaches a method and apparatus of communicating between a wireless device (106 on Fig. 1, 2 and 4, 3:42-51) and an application program (news 6:7-26) on an IP server (Web server 202 on Fig. 4), comprising:

Sending a short message (2:4-8) from said wireless device to said IP server (5:20-23);

Routing said short message using a wireless protocol message (4:26-42); and

Conveying said short message to said IP server using an HTTP protocol POST message (7:21-24).

In addition, regarding claim 20, Fox teaches means for sending short message (3:41-51), means for routing said short message (air net 102, carrier infrastructure 108 on Fig. 1 and 3:50-64) and means for conveying the short message to the IP server (gateway 114 5:30-40).

Regarding claim 9, Fox teaches said wireless protocol is SMPP (inherently part of the system, because SMPP is a protocol for delivering short messages 2:4-8).

Regarding claims 14 and 23, Fox teaches sending short message to a predefined address (list 502 on Fig. 3 5:58-67 and 6:1-26).

Regarding claims 15 and 24, Fox teaches sending short message to a plurality of IP servers (group of URLs 6:7-20).

Regarding claim 29, Fox teaches a mobile to HTTP gateway application (gateway 114 on Fig. 4), comprising:

an SMPP relay (messenger 208 on Fig. 4 and 12:59-61);

a message director to process messages from said SMPP relay (microprocessor 5:30-40);

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a poster collector to obtain at least one target poster (URL table 406 on Fig. 3 and 6:8-13); and

a poster (URL 6:20-26).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 8, 12, 18, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of SMPP interface specification (Application attachment Appendix A).

Fox substantially teaches all the limitations of claims 8, 12, 18, 21 and 27 including using Short Messaging system 2:4-8.

Regarding claims 8, 18 and 27, Fox does not teach using SUBMIT_SM message.

SMPP interface specification teaches SUBMIT_SM message (4, 5.5.1 and 6.3.3.1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add SUBMIT_SM message of SMPP interface specification to the system of Fox, because submit_sm is essential message of SMPP interface issued to submit a short message to the SMCS for transmission to a specified subscriber.

Regarding claims 12 and 21, Fox does not teach using DELIVER_SM message.

SMPP interface specification teaches DELIVER_SM message (4, 6.3.5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add

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DELIVER_SM message of SMPP interface specification to the system of Fox, because deliver_sm is essential message of SMPP interface issued to return a delivery receipt for a short message, which has been submitted.

13. Claims 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox and SMPP interface specification in view of Daly (US 6,393,014).

Fox and SMPP interface specification substantially teach all the limitations of claims 19 and 28.

Fox and SMPP interface specification do not teach using IS-41 protocol.

Daly teaches using IS-41 protocol (Fig. 4 and 6:49-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using IS-41 protocol of Daly to the system of Fox and SMPP interface specification as another wireless protocol to improve the system compatibility with IS-41 devices.

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Menard (US 6,667,688).

Fox substantially teaches all the limitations of claims 11.

Fox does not teach using ReFlex as wireless protocol.

Menard teaches using ReFlex as wireless protocol. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using ReFlex as wireless protocol of Menard to the system of Fox to improve the system compatibility with devices using ReFlex protocol.

15. Claims 4, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Wollrath (**Java-centric distributed computing**, *Wollrath, A.; Waldo, J.; Riggs, R.*; Micro, IEEE , Volume: 17 Issue: 3 , May-June 1997,Page(s): 44 -53).

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Fox substantially teaches all the limitations of claims 4, 13 and 22.

Fox does not teach receiving a short message via RMI callback mechanism.

Wollrath teaches receiving a short message via RMI callback mechanism (Object serialization on page 47 and RMI example on page 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add receiving a short message via RMI callback mechanism of Wollrath to the system of Fox to improve the system compatibility with Java devices.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fox US006654786B1 Method and apparatus for informing wireless clients about updated information.

Menard US006667688B1 Detection system using personal Communication device with response.

Daly US006393014B1 Method and system for providing data communication with a mobile station.

Boyle US006138158A Method and system for pushing and pulling data.

Kotola US006321257B1 Method and apparatus for accessing internet service in a mobile network.

Ramasubrami US006507589B1 Method and apparatus for routing between network gateways and service centers.

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Ramasubrami US006314108B1 Method and apparatus for providing network access over different wireless networks.

Wollrath **Java-centric distributed computing** Micro, IEEE, Volume: 17 Issue: 3, May-June 1997 Page(s): 44 -53.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Dmitry Levitan
Patent Examiner.
12/23/03.



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